

1 JOHN S. BLACKMAN (SB#114654)
2 FARBSTEIN & BLACKMAN, APC
3 411 Borel Avenue, Suite 425
4 San Mateo, California 94402-3518
5 Telephone: (650) 554-6200
6 Facsimile: (650) 554-6240

7
8 CARL D. CIOCHON
9 WENDEL ROSEN BLACK & DEAN, LLP
10 1111 Broadway, 24th Floor
11 Oakland, CA 94607-4036
12 Tel: (510) 834-6600
13 Fax: (510) 834-1928

14
15 Attorneys for Defendants
16 MARK GARIBALDI and THE GARIBALDI COMPANY

17
18
19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22
23 EDITH MACIAS, individually and on
24 behalf of similarly situated individuals;
25 HOTON DURAN; TIFFANY HUYNH;
26 AURA MENDIETA; WILLIAM
27 LABOY; MIGUEL ACOSTA; CRUZ
ACOSTA; CUAUHTEMOC TORAL,
TERESA VILLEGAS, KAPIKA
SALAMBUE and MARINA DURAN,

Plaintiffs,

vs.

28 THOMAS J. TOMANEK; and MARK
GARIBALDI, individually and doing
business as THE GARIBALDI
COMPANY,

Defendants.

) CASE NO. C07 3437 JSW

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
5510
5511
5512
5513
5514
5515
5516
5517
5518
5519
5520
5521
5522
5523
5524
5525
5526
5527
5528
5529
55210
55211
55212
55213
55214
55215
55216
55217
55218
55219
55220
55221
55222
55223
55224
55225
55226
55227
55228
55229
55230
55231
55232
55233
55234
55235
55236
55237
55238
55239
55240
55241
55242
55243
55244
55245
55246
55247
55248
55249
55250
55251
55252
55253
55254
55255
55256
55257
55258
55259
55260
55261
55262
55263
55264
55265
55266
55267
55268
55269
55270
55271
55272
55273
55274
55275
55276
55277
55278
55279
55280
55281
55282
55283
55284
55285
55286
55287
55288
55289
55290
55291
55292
55293
55294
55295
55296
55297
55298
55299
552100
552101
552102
552103
552104
552105
552106
552107
552108
552109
552110
552111
552112
552113
552114
552115
552116
552117
552118
552119
552120
552121
552122
552123
552124
552125
552126
552127
552128
552129
552130
552131
552132
552133
552134
552135
552136
552137
552138
552139
552140
552141
552142
552143
552144
552145
552146
552147
552148
552149
552150
552151
552152
552153
552154
552155
552156
552157
552158
552159
552160
552161
552162
552163
552164
552165
552166
552167
552168
552169
552170
552171
552172
552173
552174
552175
552176
552177
552178
552179
552180
552181
552182
552183
552184
552185
552186
552187
552188
552189
552190
552191
552192
552193
552194
552195
552196
552197
552198
552199
552200
552201
552202
552203
552204
552205
552206
552207
552208
552209
552210
552211
552212
552213
552214
552215
552216
552217
552218
552219
552220
552221
552222
552223
552224
552225
552226
552227
552228
552229
5522210
5522211
5522212
5522213
5522214
5522215
5522216
5522217
5522218
5522219
5522220
5522221
5522222
5522223
5522224
5522225
5522226
5522227
5522228
5522229
55222210
55222211
55222212
55222213
55222214
55222215
55222216
55222217
55222218
55222219
55222220
55222221
55222222
55222223
55222224
55222225
55222226
55222227
55222228
55222229
552222210
552222211
552222212
552222213
552222214
552222215
552222216
552222217
552222218
552222219
552222220
552222221
552222222
552222223
552222224
552222225
552222226
552222227
552222228
552222229
5522222210
5522222211
5522222212
5522222213
5522222214
5522222215
5522222216
5522222217
5522222218
5522222219
5522222220
5522222221
5522222222
5522222223
5522222224
5522222225
5522222226
5522222227
5522222228
5522222229
55222222210
55222222211
55222222212
55222222213
55222222214
55222222215
55222222216
55222222217
55222222218
55222222219
55222222220
55222222221
55222222222
55222222223
55222222224
55222222225
55222222226
55222222227
55222222228
55222222229
552222222210
552222222211
552222222212
552222222213
552222222214
552222222215
552222222216
552222222217
552222222218
552222222219
552222222220
552222222221
552222222222
552222222223
552222222224
552222222225
552222222226
552222222227
552222222228
552222222229
5522222222210
5522222222211
5522222222212
5522222222213
5522222222214
5522222222215
5522222222216
5522222222217
5522222222218
5522222222219
5522222222220
5522222222221
5522222222222
5522222222223
5522222222224
5522222222225
5522222222226
5522222222227
5522222222228
5522222222229
55222222222210
55222222222211
55222222222212
55222222222213
55222222222214
55222222222215
55222222222216
55222222222217
55222222222218
55222222222219
55222222222220
55222222222221
55222222222222
55222222222223
55222222222224
55222222222225
55222222222226
55222222222227
55222222222228
55222222222229
552222222222210
552222222222211
552222222222212
552222222222213
552222222222214
552222222222215
552222222222216
552222222222217
552222222222218
552222222222219
552222222222220
552222222222221
552222222222222
552222222222223
552222222222224
552222222222225
552222222222226
552222222222227
552222222222228
552222222222229
5522222222222210
5522222222222211
5522222222222212
5522222222222213
5522222222222214
5522222222222215
5522222222222216
5522222222222217
5522222222222218
5522222222222219
5522222222222220
5522222222222221
5522222222222222
5522222222222223
5522222222222224
5522222222222225
5522222222222226
5522222222222227
5522222222222228
5522222222222229
55222222222222210
55222222222222211
55222222222222212
55222222222222213
55222222222222214
55222222222222215
55222222222222216
55222222222222217
55222222222222218
55222222222222219
55222222222222220
55222222222222221
55222222222222222
55222222222222223
55222222222222224
55222222222222225
55222222222222226
55222222222222227
55222222222222228
55222222222222229
552222222222222210
552222222222222211
552222222222222212
552222222222222213
552222222222222214
552222222222222215
552222222222222216
552222222222222217
552222222222222218
552222222222222219
552222222222222220
552222222222222221
552222222222222222
552222222222222223
552222222222222224
552222222222222225
552222222222222226
552222222222222227
552222222222222228
552222222222222229
5522222222222222210
5522222222222222211
5522222222222222212
5522222222222222213
5522222222222222214
5522222222222222215
5522222222222222216
5522222222222222217
5522222222222222218
5522222222222222219
5522222222222222220
5522222222222222221
5522222222222222222
5522222222222222223
5522222222222222224
5522222222222222225
5522222222222222226
5522222222222222227
5522222222222222228
5522222222222222229
55222222222222222210
55222222222222222211
55222222222222222212
55222222222222222213
55222222222222222214
55222222222222222215
55222222222222222216
55222222222222222217
55222222222222222218
55222222222222222219
55222222222222222220
55222222222222222221
55222222222222222222
55222222222222222223
55222222222222222224
55222222222222222225
55222222222222222226
55222222222222222227
55222222222222222228
55222222222222222229
552222222222222222210
552222222222222222211
552222222222222222212
552222222222222222213
552222222222222222214
552222222222222222215
552222222222222222216
552222222222222222217
552222222222222222218
552222222222222222219
552222222222222222220
552222222222222222221
552222222222222222222
552222222222222222223
552222222222222222224
552222222222222222225
552222222222222222226
552222222222222222227
552222222222222222228
552222222222222222229
5522222222222222222210
5522222222222222222211
5522222222222222222212
5522222222222222222213
5522222222222222222214
5522222222222222222215
5522222222222222222216
5522222222222222222217
5522222222222222222218
5522222222222222222219
5522222222222222222220
5522222222222222222221
5522222222222222222222
5522222222222222222223
5522222222222222222224
5522222222222222222225
5522222222222222222226
5522222222222222222227
5522222222222222222228
5522222222222222222229
55222222222222222222210
55222222222222222222211
55222222222222222222212
55222222222222222222213
55222222222222222222214
55222222222222222222215
55222222222222222222216
55222222222222222222217
55222222222222222222218
55222222222222222222219
55222222222222222222220
55222222222222222222221
55222222222222222222222
55222222222222222222223
55222222222222222222224
55222222222222222222225
55222222222222222222226
55222222222222222222227
55222222222222222222228
55222222222222222222229
552222222222222222222210
552222222222222222222211
552222222222222222222212
552222222222222222222213
552222222222222222222214
552222222222222222222215
552222222222222222222216
552222222222222222222217
552222222222222222222218<br

1 referred to as "GARIBALDI"). The following facts are within my personal knowledge
 2 and, if sworn to testify, I would testify competently thereto.

3 2. Attached to the Declaration of defense co-counsel Sara Allman as exhibits
 4 are true and correct copies of the court's order that granted defendant's motion to dismiss,
 5 the court's judgment pursuant to that dismissal, and an exemplar of the attorney's fees
 6 language in each plaintiff's lease. Said documents are incorporated in Defendant
 7 GARIBALDI'S application for fees as a prevailing party.

8 3. I am a civil trial attorney with over 24 years of experience in state and federal
 9 court and am AV-rated by Martindale Hubbell.

10 4. The attorney's fees incurred in the defense of this action through December
 11 31, 2007 by Farbstein & Blackman, APC on behalf of defendant GARIBALDI total
 12 \$21,901.50. The costs incurred and charged to GARIBALDI in this action through
 13 December 31, 2007 total \$23.55.

14 6. Attached hereto as Exhibit "A" are complete and correct billing statements
 15 from Farbstein & Blackman, from the inception of this case in August of 2007 through
 16 December 31, 2007. These billing statements accurately reflect the amount of hours spent
 17 by members and employees of my law firm defending the within action. Exhibit "A"
 18 reflects the time spent and hourly compensation at our usual and customary hourly billing
 19 rate herein of \$185 for attorneys, and \$75.00 for paralegals. The identity of the
 20 timekeepers on the attached billings are as follows: JSB is Attorney John S. Blackman;
 21 GRG is Attorney Gary R. Gleason; PAB is Attorney Peggy A. Burton; STF is paralegal
 22 Suzanne T. Farbstein; and CGD is paralegal Carol G. Devincenzi. Our firm bills in
 23 increments of .10 of an hour, with a minimum .10 charge. The itemization sets forth the
 24 services rendered in the matter by each timekeeper. The time records are maintained by
 25 the Legalmaster computer system after manual entry into the system at the end of the
 26 month after the date incurred.

27 7. Exhibit "A" contains the following invoices, showing the following dollars
 28

incurred by my client in defending this action, through December 31, 2007:

	<u>Statement Date</u>	<u>Amount of Fees/Costs Billed</u>
2		
3	9/7/07	\$9,997.00
4	10/3/07	\$6,110.00 / \$23.55
5	11/5/07	\$4,030.50
6	12/4/07	\$1,470.00
7	1/3/08	\$294.00
8	TOTAL:	\$21,901.50 fees and \$23.55 costs = \$21,925.05

9 8. The total attorney's fees charged to GARIBALDI by the Farbstein law firm from
10 January 1 through January 21, 2008, are \$4,443.00, and the total costs incurred for the same
11 time period are \$0.00, for a total of \$4,443.00 in fees and costs from the Farbstein law firm
12 from January 1 through January 21, 2008.

13 9. The total attorney's fees and costs charged to GARIBALDI by the Farbstein law
14 firm from the inception of this action through January 21, 2008, i.e., just prior to the filing
15 of this motion, are \$26,368.05. Said attorney's fees and costs are reasonable and were
16 necessarily incurred in the defense of moving defendant GARIBALDI relative to the
17 defense of this lawsuit.

18 8. On January 10, 2008, co-defense counsel Sara Allman and I met and
19 conferred telephonically with plaintiffs' counsel, Chris Brancart and Elizabeth Brancart, for
20 the purpose of attempting to resolve any disputes with respect to this motion. Defense
21 counsel also followed up by correspondence to the Brancarts following review of legal
22 authority cited by plaintiffs' counsel. No resolution was reached, rendering this motion
23 necessary.

24 Executed this 23rd day of January, 2008, at San Mateo, California.

$|S|$

JOHN S. BLACKMAN

1 **PROOF OF SERVICE**2 Macias v. Tomanek, , Mark Garibaldi, The Garibaldi Company

3 USDC, Northern California, Case No. C 07-3437 JSW

4 I am a resident of the State of California, over the age of eighteen years, and not a party
5 to the within action. I am employed in the office of a member of the bar of this court at whose
direction the service was made. My business address is 411 Borel Avenue, Suite 425, San
Mateo, California 94402-3518. My electronic notification address is stf@farbstein.com. On
January 23, 2008, I served the following document(s):6 **DECLARATION OF JOHN S. BLACKMAN IN SUPPORT OF DEFENDANTS
7 GARIBALDI'S MOTION FOR ATTORNEY'S FEES**

8 on the following person(s) by the method(s) indicated below:

9 Elizabeth Noonan Brancart, Esq. Christopher A. Brancart, Esq. Brancart & Brancart P. O. Box 686 Pescadero, CA 94060	10 Attorneys for plaintiffs Tel: 650-879-0141 Fax: 650-879-1103 email: <u>cbrancart@brancart.com</u> <u>ebrancart@brancart.com</u>
11 Sara B. Allman, Esq. Allman & Nielsen 100 Larkspur Lndg Cir #212 Larkspur, CA 94939	12 Attorneys for defendant Thomas J. Tomanek Tel: 415-461-2700 Fax: 1-415-461-2726 <u>all-niel@pacbell.net</u>

13 [] by transmitting via facsimile on this date from fax number (650) 554-6240 the
14 document(s) listed above to the fax number(s) set forth herein. The transmission was
15 completed before 5:00 p.m. and was reported complete and without error. The
16 transmission report is attached to this proof of service. Service by fax was made by
17 agreement of the parties confirmed in writing.18 [X] by placing the document(s) listed above in a sealed envelope(s) with postage thereon
19 fully prepaid, for deposit in the United States mail at San Mateo, California addressed
20 as set forth herein. I am readily familiar with the firm's practice of collection and
processing correspondence for mailing. Under that practice it would be deposited with
21 the U.S. Postal Service on that same day, with postage thereon fully prepaid in the
22 ordinary course of business.23 [] by placing the document(s) listed above in a sealed envelope(s) and by causing personal
24 delivery of the envelope(s) to the person(s) at the address(es) set forth herein. Signed
proof of service by the process server or delivery service is attached to this proof of
service.25 [] by personally delivering the document(s) listed above to the person(s) at the
26 address(es) set forth herein.27 [] by placing the document(s) listed above in a sealed envelope(s) and consigning it to an
28 express mail service for guaranteed delivery on the next business day following the date
of consignment to the address(es) set forth herein. A copy of the consignment slip is
attached to this proof of service.

1 [X] by transmitting the document(s) listed above via the Court's ECF system to the persons
2 at the email address(es) set forth herein. The transmission was completed before 5:00
p.m. and was reported complete and without error.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the above is true and correct. Executed at San Mateo, California, on January
23, 2008.

5 
6 SUZANNE T. FARBSTEIN
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Farbstein & Blackman, A Professional Corporation
411 Borel Avenue, Suite 425
San Mateo, CA 94402
(650) 554-6200
Federal Tax I.D. No. 94-2456928

September 7, 2007

Philadelphia Insurance Company
[REDACTED]

One Bala Plaza, Suite 100
P. O. Box 950
Bala Cynwyd PA 19004

Mark Garibaldi
The Garibaldi Company
3525 W. Benjamin Holt Drive
Stockton CA 95219

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.
Insured: The Garibaldi Company
Claim No. PHCL 07080 279570

Current Fees	\$9,997.00

Total Current Charges	\$9,997.00

Total Due	\$9,997.00
=====	

EXHIBIT A

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
08/15/07	STF	Download and print and review documents forwarded by carrier; calendar response date; review court's docket and download and print selected pleadings; review Case Management Order and Scheduling Order; update master calendar	1.4	105.00
08/17/07	JSB	Review and analyze pleading: Complaint and begin drafting memo summarizing same (begin)	1.1	203.50
08/17/07	JSB	Legal research re: class action requirements (substantive, pleading, and procedural) (begin)	1.3	240.50
08/17/07	STF	New file intake: review documents received from carrier; update master calendar; create master list; open physical, electronic and billing files	1.0	75.00
08/20/07	JSB	Conclude review and analysis of Complaint and preparation of memo summarizing same	2.0	370.00
08/20/07	JSB	Legal research re: federal class action requirements	0.6	111.00
08/20/07	JSB	Legal research re: validity of defamation claim in connection with credit reporting	0.7	129.50

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
08/20/07	JSB	Legal research re: case law re: Civil Code Section 1950.5 security deposit requirements (begin)	1.5	277.50
08/20/07	JSB	Research plaintiffs' attorneys	0.4	74.00
08/21/07	GRG	Consult regarding federal court issues re: motions to dismiss	0.3	55.50
08/21/07	JSB	Conference with S. Farbstein and P. Burton re: research for motion to dismiss	0.4	74.00
08/21/07	JSB	Prepare pleading: Begin drafting Rule 12(b)(6) motion to dismiss	3.3	610.50
08/21/07	JSB	Legal research re: statute of limitations on Civil Code Section 1950.5 claim	1.2	222.00
08/21/07	PAB	Strategize re: approach to motion to dismiss; Start research on statute of limitations and Business and Professions Code Section 17200 (Unfair Business Practices)	6.0	1,110.00
08/21/07	STF	Legal research re: elements of causes of action alleged in Complaint	4.8	360.00
08/21/07	STF	Further file organization; receipt of additional documents;		

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		check court docket; review, download and print standing orders; review, download and print local court rules	1.0	75.00
08/22/07	JSB	Continue research and drafting of motion to dismiss and to strike	1.5	277.50
08/22/07	PAB	Start research on RICO claims; Draft memorandum re: applicable case law re: elements of cause of action	5.8	1,073.00
08/23/07	JSB	Telephone conference (extended) with T. Tittle at Garibaldi Company; Memo to file	0.5	92.50
08/23/07	JSB	Review and analyze research re RICO claim requirements (continuing)	1.0	185.00
08/23/07	JSB	Continue drafting motion to dismiss and motion to strike	1.5	277.50
08/23/07	JSB	Telephone conference (extended) with M. Quint, personal attorney for Tomanek	0.7	129.50
08/23/07	JSB	Telephone conference (extended) with C. Ciochan; Memo to file	0.7	129.50
08/23/07	JSB	Telephone conference (extended) with C. Ciochan, M. Quint and S. Allman, conference call	1.2	222.00
08/23/07	JSB	Prepare correspondence to		

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomaneck, et al.

Emp	Services	Hours	Amount
	[REDACTED]	0.4	74.00
08/23/07 PAB	Research and draft memo re: statute of limitations for all causes of action	3.0	555.00
08/23/07 PAB	Continue researching and drafting of memo on RICO claims	1.7	314.50
08/24/07 STF	Prepare correspondence to S. Allman and transmit with Sitzpulation to Englare Time to Respond to Complaint	0.2	15.00
08/27/07 JSB	Continue legal research on elements and rules for pleading RICO allegations, and case law	2.0	370.00
08/27/07 JSB	Review and analyze correspondence from C. Ciuchon (3)	0.2	37.00
08/27/07 JSB	Review and analyze correspondence from M. Quint	0.1	18.50
08/27/07 JSB	Prepare correspondence to C. Ciuchon and M. Quint	0.3	55.50
08/27/07 JSB	Review and analyze correspondence from S. Allman	0.1	18.50
08/27/07 JSB	Review and analyze more underlying file materials forwarded by C. Ciuchon	1.2	222.00
08/27/07 STF	Download, print and organize documents forwarded by Wendel Rosen		

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		4& Dean	0.3	22.50
08/28/07	JSB	Further legal research on RICO claims and mail fraud sub-elements for pleading purposes, and continue drafting motion to dismiss	6.5	1,202.50
08/28/07	STF	Check court's docket re: Stipulation to Enlarge Time; download and print	0.2	15.00
08/28/07	STF	Download, print and organize five volumes of tenant files	1.6	120.00
08/29/07	JSB	Review and analyze tenant files provided by C. Ciochon (preliminary review)	1.5	277.50
08/29/07	JSB	Further drafting of motion to dismiss and motion to strike	1.0	185.00
08/29/07	STF	Modify master proof of service for inclusion of service by electronic transmission	0.2	15.00
		-----	-----	-----
		Current Fees	60.4	\$9,997.00
		-----	-----	-----

Summary	Hours	Rate	Amount
PAB	16.50	185.00	3,052.50
GRG	0.30	185.00	55.50
JSB	32.90	185.00	6,086.50
STF	10.70	75.00	802.50

Farbstein & Blackman, A Professional Corporation
411 Borel Avenue, Suite 425
San Mateo, CA 94402
(650) 554-6200
Federal Tax I.D. No. 94-2456928

October 3, 2007

Philadelphia Insurance Company
Frank Koehler
One Bala Plaza, Suite 100
P. O. Box 950
Bala Cynwyd PA 19004

Mark Garibaldi
The Garibaldi Company
3525 W. Benjamin Holt Drive
Stockton CA 95219

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.
Insured: The Garibaldi Company
Claim No. PHCL 07080 279570

Balance forward

17929 09/07/07 9,997.00 0.00 9,997.00

Net balance forward \$9,997.00

Current Fees \$6,110.00
Current Costs \$23.55

Total Current Charges \$6,133.55

Total Due \$16,130.55
=====

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/04/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/04/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
09/04/07	JSB	Prepare correspondence to S. Allman	0.2	37.00
09/04/07	JSB	Correspondence among S. Allman, C. Ciochon and M. Quint	0.2	37.00
09/05/07	JSB	Review and analyze correspondence from C. Ciochon with drafting suggestions re: motion to dismiss	0.8	148.00
09/05/07	JSB	Continue legal research and drafting of motion	4.5	832.50
09/05/07	JSB	Telephone conference (extended) with conference call with C. Ciochon, M. Quint and S. Allman; prepare memorandum to file re: same	1.1	203.50
09/06/07	JSB	Review and analyze file and prepare correspondence to [REDACTED] [REDACTED]	1.2	222.00
09/06/07	JSB	Continue research and drafting of motion to dismiss	2.0	370.00
09/06/07	STF	Edit and format motion to dismiss; draft Notice of Motion and Motion; review		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

Emp	Services	Hours	Amount
	local court rules, Judge's Standing Orders, Judge's Court Schedule; conference with J. Blackman and select hearing date; update master list	2.4	180.00
09/06/07 STF	Calendar hearing dates for motion to dismiss and related events	0.3	22.50
09/10/07 JSB	Prepare correspondence to C. Ciochon	0.1	18.50
09/10/07 JSB	Review and analyze correspondence from S. Allman (multiple)	0.2	37.00
09/10/07 JSB	Prepare correspondence to co-counsel (multiple)	0.2	37.00
09/10/07 JSB	Telephone conference with C. Ciochon	0.1	18.50
09/10/07 JSB	Continue research re: case law on RICO pleading requirements	2.0	370.00
09/11/07 JSB	Review and analyze correspondence from C. Ciochon (2)	0.3	55.50
09/11/07 JSB	Telephone conference (extended) with C. Ciochon	0.5	92.50
09/11/07 JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
09/11/07 JSB	Review and analyze correspondence from M. Quint	0.1	18.50

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/12/07	JSB	Prepare for and attend conference call among all defense counsel; memo to file	0.8	148.00
09/12/07	JSB	Review and analyze correspondence from S. Allman (2)	0.2	37.00
09/12/07	JSB	Review and analyze correspondence from [REDACTED] [REDACTED]	0.2	37.00
09/13/07	JSB	Review and analyze draft of Tomanek's Rule 12(b) (1) motion	0.4	74.00
09/13/07	JSB	Telephone conference with S. Allman	0.1	18.50
09/13/07	JSB	Prepare correspondence to [REDACTED]	0.3	55.50
09/13/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
09/13/07	JSB	Review and analyze suggested edits by C. Ciochon to motions; further legal research and prepare final revisions to motion to dismiss	2.0	370.00
09/14/07	JSB	Work on finalizing motion to dismiss	0.8	148.00
09/14/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/14/07	JSB	Prepare correspondence to all defense counsel	0.1	18.50

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/14/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
09/14/07	STF	Prepare pleading: Proposed Order re: Motion to Dismiss	0.5	37.50
09/14/07	STF	Prepare pleading: Certification of Interested Parties	0.4	30.00
09/14/07	STF	Telephone conference with C. Ciochan (3x)	0.2	15.00
09/14/07	STF	Prepare correspondence to M. Quint	0.2	15.00
09/14/07	STF	Prepare correspondence to C. Ciochan	0.2	15.00
09/14/07	STF	Calendar Tomanek's Motion to Dismiss and [REDACTED] Carbaldi's Motion to Dismiss	0.4	30.00
09/14/07	STF	Edit, format, finalize Motion to Dismiss; file electronically; serve electronically and by US mail	3.5	262.50
09/17/07	JSB	Telephone conference (extended) with C. Ciochon	0.2	37.00
09/17/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
09/17/07	JSB	Prepare correspondence to M. Quint	0.1	18.50
09/17/07	STF	Download, print and review Order from Court; update master calendar	0.3	22.50

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/17/07	STF	Prepare correspondence to M. Quint	0.2	15.00
09/17/07	STF	Prepare correspondence to C. Ciochon	0.2	15.00
09/19/07	JSB	Conference call with all co-counsel	0.4	74.00
09/19/07	JSB	Conference call with S. Allman and plaintiff's attorney, E. Brancart	0.3	55.50
09/19/07	JSB	Telephone conference (extended) with J. Ottolini, Judge White's Clerk	0.4	74.00
09/19/07	JSB	Prepare pleading: Draft stipulation and proposed order re: new hearing date and Case Management deadlines	0.7	129.50
09/19/07	JSB	Prepare correspondence to S. Allman, C. Ciochon, M. Quint	0.4	74.00
09/20/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/20/07	JSB	Telephone conference with E. Brancart	0.1	18.50
09/20/07	JSB	Prepare correspondence to all defense co-counsel	0.1	18.50
09/20/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
09/20/07	JSB	Review and analyze correspondence from C.		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	<u>Emp</u>	<u>Services</u>	<u>Hours</u>	<u>Amount</u>
		Ciochon	0.1	18.50
09/20/07	JSB	Telephone conference with E. Brancart	0.1	18.50
09/20/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/20/07	STF	Edit and finalize Stipulation and Order to Reschedule Hearings on Motions to Dismiss and Case Management Conference and ADR Schedule; file with the Court	0.5	37.50
09/20/07	STF	Prepare pleading: Amended Stipulation and Order; file with the Court; telephone conference with Docket Clerk; telephone conference with Calendar Clerk	0.5	37.50
09/21/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
09/21/07	JSB	Review and analyze correspondence from [REDACTED] [REDACTED]	0.2	37.00
09/21/07	JSB	Prepare correspondence to [REDACTED]	0.2	37.00
09/21/07	STF	Organize all pleadings and create master index of all pleadings and Court Orders	1.2	90.00
09/21/07	STF	Update master calendar with new dates for Case		

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		Management Conference, meet & confer, and initial disclosure dates per Order signed 9/20/2007	0.5	37.50
09/21/07	STF	Prepare correspondence to M. Quint	0.2	15.00
09/21/07	STF	Prepare correspondence to C. Ciochon	0.2	15.00
09/24/07	JSB	Review and analyze correspondence from C. Ciohan	0.2	37.00
09/27/07	JSB	Prepare for and attend conference call with all defense counsel	0.6	111.00
09/27/07	JSB	Prepare correspondence to all defense counsel	0.2	37.00
09/27/07	JSB	Perform damages calculations and [REDACTED] [REDACTED] [REDACTED] prepare memorandum to file re: same	2.2	407.00
09/27/07	STF	Download, print and Organize nine draft Offers of Judgment	0.3	22.50
09/27/07	STF	Review email from J. Blackman and update master calendar	0.2	15.00
09/28/07	JSB	Review and analyze correspondence from E. Brancart	0.2	37.00
09/28/07	JSB	Review and analyze		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

Emp	Services	Hours	Amount
	pleading: First Amended Complaint	0.7	129.50
09/28/07 JSB	Review and analyze plaintiff's cited authorities	0.4	74.00
09/28/07 JSB	Continue work [REDACTED] [REDACTED]	0.7	129.50
	-----	-----	-----
	Current Fees	40.4	\$6,110.00
	-----	-----	-----

Summary	Hours	Rate	Amount
JSB	28.00	185.00	5,180.00
STF	12.40	75.00	930.00

Costs items	Amount
09/14/07 Photocopies and postage re: Motion to Dismiss	23.55
-----	-----
Current Costs	\$23.55
-----	-----

Farbstein & Blackman, A Professional Corporation
411 Borel Avenue, Suite 425
San Mateo, CA 94402
(650) 554-6200
Federal Tax I.D. No. 94-2456928

November 5, 2007

Philadelphia Insurance Company
Frank Koehler
One Bala Plaza, Suite 100
P. O. Box 950
Bala Cynwyd PA 19004

Mark Garibaldi
The Garibaldi Company
3525 W. Benjamin Holt Drive
Stockton CA 95219

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.
Insured: The Garibaldi Company
Claim No. PHCL 07080 279570

Balance forward

17929	09/07/07	9,997.00	0.00	9,997.00
18006	10/03/07	6,133.55	0.00	6,133.55

		16,130.55	0.00	

Net balance forward \$16,130.55

Current Fees	\$4,030.50
Total Current Charges	\$4,030.50

Total Due	\$20,161.05
=====	

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/14/07	GRG	Review Federal Procedural issue re: disclosure statement	0.3	55.50
10/01/07	JSB	Telephone conference (extended) with C. Ciochon	0.7	129.50
10/01/07	JSB	Further [REDACTED] [REDACTED] analysis and prepare correspondence to Ciochon re: same	0.8	148.00
10/02/07	STF	Research Federal Rules of Civil Procedure re: time to answer First Amended Complaint and update master calendar	0.4	30.00
10/03/07	JSB	Prepare for and attend conference call with all co-defense counsel; prepare memorandum to file re: same	1.0	185.00
10/03/07	JSB	Prepare correspondence to S. Allman	0.2	37.00
10/03/07	JSB	Telephone conference with S. Allman	0.1	18.50
10/03/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
10/04/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
10/09/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
10/10/07	JSB	Review and analyze correspondence from E.		

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		Brancart	0.2	37.00
10/11/07	JSB	Telephone conference (extended) with J. Ottolini, Judge White's clerk	0.3	55.50
10/11/07	JSB	Prepare correspondence to S. Allman, M. Quint and C. Ciochon	0.3	55.50
10/11/07	JSB	Conference call with S. Allman, C. Ciochon and M. Quint	1.4	259.00
10/11/07	JSB	Continue comparison of first amended Complaint to original for purposes of motion to dismiss	1.5	277.50
10/11/07	JSB	Legal research re: class action remedies and effect of different remedies [REDACTED] [REDACTED]	2.0	370.00
10/11/07	STF	Review email and update master calendar	0.2	15.00
10/15/07	JSB	Review and analyze correspondence from M. Quint with draft of Rule 68 Offers	0.3	55.50
10/16/07	JSB	Review and analyze pleading: draft Motion to Dismiss First Amended Complaint	0.8	148.00
10/16/07	JSB	Legal research re: RICO issues, suggested changes to brief re: Motion to Dismiss	0.7	129.50

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
10/16/07	JSB	Review and analyze correspondence from C. Ciochon	0.2	37.00
10/16/07	JSB	Review and analyze correspondence from M. Quint	0.2	37.00
10/16/07	JSB	Prepare for and attend conference call with all defense counsel; prepare memorandum to file re: same	0.8	148.00
10/16/07	STF	Begin work on Table of Authorities re: Motion to Dismiss	1.0	75.00
10/17/07	JSB	Prepare correspondence to E. Brancart	0.2	37.00
10/17/07	JSB	Review and analyze correspondence from E. Brancart	0.1	18.50
10/17/07	STF	Work on Motion to Dismiss Amended Complaint; check Judge White's hearing calendar and select hearing date; prepare Notice of Motion; update Caption	1.3	97.50
10/18/07	STF	Draft Proposed Order re: Motion to Dismiss First Amended Complaint; make edits and finalize proposed order; file electronically and serve by mail	0.6	45.00
10/18/07	STF	Motion to Dismiss First Amended Complaint: make edits and format final		

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		draft; create table of contents; further work on table of authorities; further edits; revise table of contents and table of authorities; file electronically; serve by mail	2.5	187.50
10/19/07	STF	Review two scheduling orders from Judge White; update master calendar re: Tomanek's and Garibaldi's Motions to Dismiss First Amended Complaint	0.4	30.00
10/23/07	JSB	Review and analyze correspondence from E. Brancart	0.1	18.50
10/23/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
10/23/07	JSB	Prepare correspondence to E. Brancart	0.1	18.50
10/23/07	JSB	Prepare correspondence to C. Ciochon and M. Quint	0.1	18.50
10/23/07	JSB	Conference with paralegal C. Devincenzi re: investigation and analysis of tenant files	0.2	37.00
10/26/07	JSB	Review and analyze pleading: Order re: re-setting briefing schedule	0.1	18.50
10/26/07	PAB	Review First Amended Complaint in detail and revise memo re:		

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		summarizing original complaint, and compare changes	4.2	777.00
10/29/07	CGD	Begin review and summary of tenant files [REDACTED] [REDACTED]	1.5	112.50
10/29/07	JSB	Review and analyze correspondence from [REDACTED] [REDACTED]	0.1	18.50
10/29/07	JSB	Prepare correspondence to [REDACTED]	0.5	92.50
10/29/07	JSB	Review and analyze correspondence from C. Ciochon	0.3	55.50
10/29/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
10/29/07	STF	Download, print and review Judge White's signed Order amending briefing schedule on Motions to Dismiss First Amended Complaint; update master calendar	0.3	22.50
10/30/07	STF	Prepare correspondence to M. Quint	0.2	15.00
10/30/07	STF	Prepare correspondence to C. Ciochon	0.2	15.00
		-----	-----	-----
		Current Fees	26.9	\$4,030.50
		-----	-----	-----

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

Summary	Hours	Rate	Amount
PAB	4.20	185.00	777.00
JSB	13.80	185.00	2,553.00
GRG	0.30	185.00	55.50
CGD	1.50	75.00	112.50
STF	7.10	75.00	532.50

Farbstein & Blackman, A Professional Corporation
411 Borel Avenue, Suite 425
San Mateo, CA 94402
(650) 554-6200
Federal Tax I.D. No. 94-2456928

December 4, 2007

Philadelphia Insurance Company
[REDACTED]

One Bala Plaza, Suite 100
P. O. Box 950
Bala Cynwyd PA 19004

Mark Garibaldi
The Garibaldi Company
3525 W. Benjamin Holt Drive
Stockton CA 95219

Our Case # PIC3-070
Invoice number 18216

Re: Macias v. Tomanek, et al.
Insured: The Garibaldi Company
Claim No. PHCL 07080 279570

Balance forward

17929	09/07/07	9,997.00	0.00	9,997.00
18006	10/03/07	6,133.55	0.00	6,133.55
18167	11/05/07	4,030.50	0.00	4,030.50

		20,161.05	0.00	

Net balance forward \$20,161.05

Current Fees	\$1,470.00
Total Current Charges	\$1,470.00

Total Due	\$21,631.05
=====	=====

Farbstein & Blackman, A Professional Corporation

December 4, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18216

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
11/01/07	CGD	Prepare files and summaries for renters' files [REDACTED] [REDACTED] Enter data into chart	4.8	360.00
11/05/07	CGD	Complete review and summary of renters' files [REDACTED] [REDACTED]	3.5	262.50
11/07/07	JSB	Review and analyze file and telephone conference (extended) with [REDACTED]	0.4	74.00
11/07/07	JSB	Review and analyze correspondence from [REDACTED] [REDACTED]	0.1	18.50
11/07/07	JSB	Prepare correspondence to [REDACTED] [REDACTED]	0.1	18.50
11/13/07	JSB	Legal research re: case law cited in plaintiffs' brief in Opposition to motion to dismiss	2.0	370.00
11/15/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
11/15/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
11/15/07	JSB	Prepare correspondence to S. Allman and C. Ciochon	0.2	37.00
11/15/07	STF	Review email exchange among defense counsel; update master calendar	0.2	15.00

Farbstein & Blackman, A Professional Corporation

December 4, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18216

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
11/16/07	JSB	Telephone conference (extended) with C. Ciochon and S. Allman	0.8	148.00
11/19/07	JSB	Review and analyze correspondence from C. Ciochon (2)	0.1	18.50
11/19/07	JSB	Prepare correspondence to C. Ciochon (2)	0.3	55.50
11/19/07	JSB	Telephone conference with C. Ciochon	0.1	18.50
11/20/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
11/20/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
		Current Fees	13.0	\$1,470.00

Summary	Hours	Rate	Amount
JSB	4.50	185.00	832.50
STF	0.20	75.00	15.00
CGD	8.30	75.00	622.50

Farbstein & Blackman, A Professional Corporation
 411 Borel Avenue, Suite 425
 San Mateo, CA 94402
 (650) 554-6200
 Federal Tax I.D. No. 94-2456928

January 3, 2008

Philadelphia Insurance Company
 [REDACTED]

One Bala Plaza, Suite 100
 P. O. Box 950
 Bala Cynwyd PA 19004

Mark Garibaldi
 The Garibaldi Company
 3525 W. Benjamin Holt Drive
 Stockton CA 95219

Our Case # PIC3-070
 Invoice number 18320

Re: Macias v. Tomanek, et al.
 Insured: The Garibaldi Company
 Claim No. PHCL 07080 279570

Balance forward

17929 09/07/07	9,997.00	0.00	9,997.00
18006 10/03/07	6,133.55	0.00	6,133.55
18167 11/05/07	4,030.50	0.00	4,030.50
18216 12/04/07	1,470.00	0.00	1,470.00

	21,631.05	0.00	

Net balance forward \$21,631.05

Current Fees	\$294.00
Total Current Charges	\$294.00

Total Due \$21,925.05

=====

January 3, 2008

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18320

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
12/11/07	STF	Update master caption	0.4	30.00
12/11/07	STF	Edit and format Stipulation and Order to Continue Case Management Conference	0.5	37.50
12/12/07	STF	Telephone conference with e. Brancart's office	0.1	7.50
12/12/07	STF	Review correspondence and signature page from E. Brancart; electronically file Joint Stipulation and Proposed Order and serve by mail	0.4	30.00
12/17/07	JSB	Review and analyze correspondence from C. Ciochon (2)	0.2	37.00
12/17/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
12/17/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
12/17/07	JSB	Review and analyze correspondence from [REDACTED]	0.2	37.00
12/17/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
12/17/07	JSB	Prepare correspondence to [REDACTED]	0.2	37.00
12/18/07	STF	Check court docket; download, print and review Court's Order; update master calendar	0.3	22.50

January 3, 2008

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18320

Re: Macias v. Tomanek, et al.

Current Fees	2.6	\$294.00
--------------	-----	----------

Summary	Hours	Rate	Amount
JSB	0.90	185.00	166.50
STF	1.70	75.00	127.50